

I do not like taking something out if we do not know exactly what we are doing. I do not want to be imprisoned for debt in this State, and I would object to the Committee agreeing this be removed.

It seems to me that that was the problem we had when we discussed it in the Committee. As far as we are concerned, the legislature could imprison for debt, at least that is the way it was in the Committee, unless it was left in there.

We did something earlier today when we took out a right. Now I am finding out we may have permitted the judges to direct verdicts of guilty. I do not know if that is true or not. Surely if we take this out we do not know what we are doing.

THE CHAIRMAN: Delegate M. Smith.

DELEGATE M. SMITH: Is it in order to speak against the amendment, Mr. Chairman?

DELEGATE M. SMITH: I certainly oppose this amendment. Now, we felt it necessary here to state that no bill of attainder or ex post facto law shall be enacted. We felt it necessary there to say that there shall be no conviction of crime that shall work corruption of blood or harm to the State. I for one am not going to take away the prohibition against imprisonment for debt.

Now, I think I am correct in saying that there is at least one of the states at the present time, New Hampshire, at least it was in the news some 20 or 25 years ago, which permits imprisonment for debt. I take cognizance of the fact that there are people right today who would be very happy to put bills through the General Assembly providing for imprisonment for debt; and I think that this is a matter that should remain in our Bill of Rights.

THE CHAIRMAN: Is there any further discussion?

Delegate Lloyd Taylor.

DELEGATE L. TAYLOR: I have a point of inquiry, Mr. Chairman. I would like to address this either to the Chair or to Mr. Scanlan.

In Baltimore City some fellows are brought into court and ordered to pay on a non-support order to their children and wife. Many times some of these men are unemployed and therefore cannot comply with the court order, and in lieu of this the Department of Public Welfare pays the amount of money to the family of the man who has been brought into court.

Would this change the interpretation that Delegate Scanlan made concerning this particular section 13? Would this be considered a debt, say, if the man who was brought into court was willing to pay the Welfare Department back?

In other words, when the man returns to work, the probation department orders the particular person to pay the Welfare Department back; and also to continue support payments.

THE CHAIRMAN: Do you understand the question, Delegate Scanlan?

DELEGATE SCANLAN: I think I do.

I do not think the deletion of the provision would in any way change the conditional right or prerogative to imprison fathers who do not support their children pursuant to court order.

In other words, you are talking about contempt of court, which is permissible under the present Constitution and would remain permissible even if the prohibition against imprisonment for debt is removed.

THE CHAIRMAN: Delegate Taylor.

DELEGATE L. TAYLOR: Many fathers are unemployed. They do not have money to pay the court order, so in lieu of that, the Welfare Department makes the payments, and then this is considered against their particular amount of money they owe to their family, and they have to pay the Welfare Department back.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: Their obligation to the Welfare Department is a debt for which they could not be imprisoned now, and certainly regarded as highly unlikely that the General Assembly would ever pass legislation which would imprison a man for failure to pay back to the Welfare Department what he owes it.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: Mr. Chairman, I would certainly hate to see the constitutional protection against imprisonment for debt removed.

There are many, many practitioners who love to see debtors put in jail, and many debtors think they are going to jail if they do not pay. The legislature would be under terrific pressure to enact a bill allowing imprisonment for debt. I think that we should not allow such a constitutional prohibition to be removed when we have had it. It has been healthy. It has been